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**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	10/601,687
Filing Date	June 23, 2003
First Named Inventor	RUSSELL et al.
Title	Method and Apparatus...
Art Unit	2127
Examiner Name	
Attorney Docket Number	M02A442

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☒ Practitioner(s) named below:

Name	Registration Number
Joshua L. Cohen	34,307
David A. Hey	32,351
Phillip H. Von Neida	34,942
Ira Lee Zebrak	31,147

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	The BOC Group, Inc.				
Address	Legal Services-Intellectual Property				
Address	575 Mountain Ave.				
City	Murray Hill	State	NJ	Zip	07974
Country	USA				
Telephone	908-771-6469	Fax	908-771-6159		

I am the:

☒ Applicant/Inventor.☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

Name	CHARLES M. WINTERFELDT		
Signature			
Date		Telephone	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ASSIGNMENT

WHEREAS, I/We, Thomas C. Russell and Charles M. Winterfeldt, a citizen of/ citizens of the United States of America, residing at 64 Murray Hill Blvd., Murray Hill, New Jersey 07974 and 10195 Bell Avenue, Plato, Minnesota 55370, have invented certain new and useful improvements in METHOD AND APPARATUS FOR SELF-CONFIGURING SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM FOR DISTRIBUTED CONTROL for which I/We have made application for Letters Patent of the United States, which application may be identified in the United States Patent and Trademark Office as Serial No. 10/601,687, filed June 23, 2003; and,

WHEREAS, The BOC Group, Inc., a Delaware Corporation having a place of business at 575 Mountain Avenue, Murray Hill, New Providence, New Jersey 07974, is desirous of obtaining the entire right, title and interest in, to and under the said improvements and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me/us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I/WE, the said Thomas C. Russell and Charles M. Winterfeldt have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said **The BOC Group, Inc.,** its successors, legal representatives and assigns, the entire right, title and interest in, to and under the invention, the said improvements, and the said application, all applications derived therefrom and all continuing prosecution applications, conversions, divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent or Inventor's Certificates which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent or Inventor's Certificates which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I/We hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said **The BOC Group, Inc.,** its successors, legal representatives and assigns, in accordance with the terms of this instrument.

I/WE HEREBY covenant that I/We have full right to convey the entire interest herein assigned, and that I/WE have not executed, and will not execute, any agreement in conflict herewith.

AND I/WE HEREBY further covenant and agree that I/We will communicate to the said **The BOC Group, Inc.,** its successors, legal representatives and assigns, any facts known to me/us respecting said invention and said improvements, and testify in

any legal proceeding, sign all lawful papers, execute all continuing prosecution, divisional, continuing, reexamination and reissue applications, make all rightful oaths, and generally do everything possible to aid the said **The BOC Group, Inc.**, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said inventions and improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this _____ day of _____, 2004.

Thomas C. Russell L.S.

State of New Jersey
County of Union ss.:

On this _____ day of _____, 2004, before me, a Notary Public in the State and County aforesaid, personally appeared **Thomas C. Russell**, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Notary Public

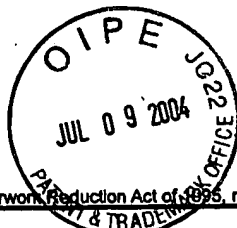
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this _____ day of _____, 2004.

Charles M. Winterfeldt L.S.

State of _____
County of _____ ss.:

On this _____ day of _____, 2004, before me, a Notary Public in the State and County aforesaid, personally appeared **Charles M. Winterfeldt**, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Notary Public



Atty. Dkt. M02A442

PTO/SB/01A (08-03)

Approved for use through 07/31/2003. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention Method and Apparatus for Self-Configuring Supervisory Control and Data Acquisition (SCADA) System for Distributed Control

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/601,687, filed on June 23, 2003
- ☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Thomas C. Russell

Signature: _____ Citizen of: USA

Inventor two: Charles M. Winterfeldt

Signature: _____ Citizen of: USA

Inventor three: _____

Signature: _____ Citizen of: _____

Inventor four: _____

Signature: _____ Citizen of: _____

☐ Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

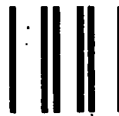
§ 1.56 DUTY TO DISCLOSE INFORMATION MATERIAL TO PATENTABILITY. (Added 3/16/92)

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine: (Added 3/16/92)

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and (Added 3/16/92)
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office. (Added 3/16/92)
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (Added 3/16/92)

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (Added 3/16/92)
- (2) It refutes, or is inconsistent with, a position the applicant takes in: (Added 3/16/92)
 - (i) Opposing an argument of unpatentability relied on by the Office, or (Added 3/16/92)
 - (ii) Asserting an argument of patentability. (Added 3/16/92)

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability. (Added 3/16/92)
- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are: (Added 3/16/92)
 - (1) Each inventor named in the application; (Added 3/16/92)
 - (2) Each attorney or agent who prepares or prosecutes the application; and (Added 3/16/92)
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. (Added 3/16/92)
 - (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor. (Added 3/16/92)
 - (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application. (Added 11/7/00)



- Sender: Please print your name, address, and ZIP+4 in this box •

IRA LEE ZEBRAK, ESQ.
 LEGAL SERVICES-INTELLECTUAL PROPERTY
 THE BOC GROUP, INC.
 575 MOUNTAIN AVE.
 MURRAY HILL, NJ 07974

1102A442

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Charles M. Winterfeldt
 10195 Bell Ave.
 Plato, MN 55370

2. Article Number (Copy from service label)

7000 1670 0012 2713 0388

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

PLACE STICKER AT TOP OF ENVELOPE
 TO THE RIGHT OF RETURN ADDRESS.
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CERTIFIED MAIL



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 7000 1670 0012 2713 0388

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
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Sent To

Mr. Charles M. Winterfeldt

Street, Apt. No., or PO Box No.

10195 Bell Ave.

City, State, ZIP+4

Plato, MN 55370

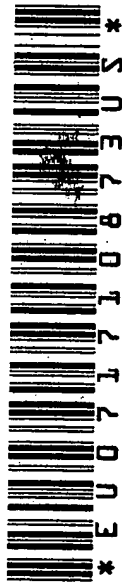
PS Form 3800, May 2000

See Reverse for Instructions

EU 071710873 US



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Date In	Postage	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM
Mo. Day Year	Postage \$	Delivery Attempt	Time
Time In	Return Receipt Fee	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM
<input type="checkbox"/> AM <input type="checkbox"/> PM	COD Fee	Delivery Date	Time
Weight	Int'l Alpha Country Code	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM
lbs. ozs.	Acceptance Clerk Initials		
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Total Postage & Fees \$		

ORIGIN (POSTAL USE ONLY)		DELIVERY (POSTAL USE ONLY)	
PO ZIP Code	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Delivery Attempt	Time
Date In	Postage	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM
Mo. Day Year	Postage \$	Delivery Attempt	Time
Time In	Return Receipt Fee	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM
<input type="checkbox"/> AM <input type="checkbox"/> PM	COD Fee	Delivery Date	Time
Weight	Int'l Alpha Country Code	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM
lbs. ozs.	Acceptance Clerk Initials		
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Total Postage & Fees \$		

CUSTOMER USE ONLY

METHOD OF PAYMENT
Express Mail Corporate Acct. No.

Federal Agency Acct. No. or
Postal Service Acct. No.

FROM: (PLEASE PRINT) PHONE ()

Mr. Charles M. Winterfeldt
10195 Bell Avenue
Plato, MN 55370

TO: (PLEASE PRINT) PHONE 907 771-6469

Ira Lee Zebrak, Esq.
Legal Services-Intellectual Property
The BOC Group, Inc.
575 Mountain Ave.
Murray Hill, NJ 07974

ZIP + 4 L M02A442J

ZIP + 4 L

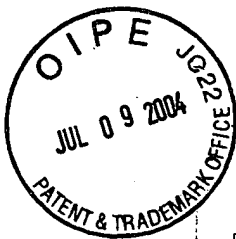
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Mailing Label
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-----Original Message-----

From:

Sent: Tuesday, June 15, 2004 5:15 PM

To:

Subject: RE: Charlie Winterfeldt BOC Group Agreement

I spoke with Charlie yesterday, and he said that he is not interested in signing any paperwork.

In consideration of my employment by The BOC Group, Inc., a Delaware corporation, or a subsidiary or affiliate thereof (hereinafter collectively called the "Company"), during such time as shall be mutually agreeable to the Company and myself, I, for myself, my heirs, executors, administrators and assigns, do hereby agree as follows:

1. I shall not, directly or indirectly, other than in the business of the Company and in the scope of my employment by the Company, disclose or use at any time (either during or subsequent to my said employment) any information, knowledge or data of the Company which is of a secret or confidential nature, unless I shall secure the prior written consent of the Company. Without any limitation intended, the provisions of this paragraph shall extend to and include guides used in the Company's business, customer lists, drawings, letters, technical, financial and marketing information. I agree that, upon termination of my employment, I shall promptly deliver to the Company all customer lists, guides, letters, notes and other papers of a confidential nature and any copies thereof, which are in my possession or under my control.

2. (a) I shall promptly grant and assign to the Company for its sole use and benefit any and all inventions and improvements together with all letters patent and reissues thereof that may at any time be granted for or upon any such inventions or improvements which I may make or conceive during the period of my employment except such inventions or improvements which I may make or conceive outside of working hours, using no equipment, supplies, facilities or trade secret information of the Company and which neither (i) relate to the Company's business or research, nor (ii) result from any work performed by me for the Company.

(b) I agree, however, promptly to disclose to the Company, in confidence, any and all inventions or improvements made or conceived by me, whether solely or jointly with others, during the term of my employment, for the purpose of determining such issues of assignment as may arise concerning said inventions or improvements.

3. I shall, without charge but at the expense of the Company, promptly at all times hereafter, execute and deliver such applications, assignments, descriptions and other instruments as may be necessary or proper in the opinion of the Company to vest the title in the Company to any such inventions, improvements, and patents or reissues thereof, and to enable the Company to obtain and maintain the entire right and title thereto throughout the world.

4. I shall render to the Company at its expense (including a reasonable payment for the time involved in case I am not then in its employ) all assistance it may require (a) in the prosecution of applications for patents or reissues thereof; (b) in the prosecution or defense of interferences which may be declared involving any of said applications or patents; and (c) in litigation in which the Company may be involved relating to any such patents, inventions or improvements.

5. I understand that the provisions hereof do not constitute a contract of employment and nothing herein entitles me, in the absence of a written employment agreement executed by a duly authorized officer of the Company, to remain in the employ of the Company.

WITNESS:

Bette J. Wolf (Signature)
BETTE J. WOLF (Print Name)

Witness should be a supervisor or a member of
Human Resources Department

EMPLOYEE:

Charles M. Winterfeldt (Signature)
Charles M. Winterfeldt (Print Name)
First Middle Last

Chemical Management
(Division/Department, Subsidiary or Affiliate & Location)

6-26-00 (Date)



THE BOC GROUP

100 Mountain Avenue Murray Hill New Jersey 07974-2064 USA

Tel: 908-665-2400 Fax: 908-771-6159

July 31, 2003

Mr. Charles M. Winterfeldt
10195 Bell Avenue
Plato, MN 55370

RE: U.S. Patent Application No. 10/601,687
Filed: June 23, 2003
Entitled: Method And Apparatus For Self-Configuring Supervisory Control And Data
Acquisition (SCADA) System For Distributed Control
Case: M02A442

Dear Mr. Winterfeldt:

Enclosed please find a copy of the above-referenced patent application for the invention of which you are a co-inventor. Also enclosed for your execution is an inventor's Declaration to be signed (and dated) by you in blue ink; (b) an Assignment which you should please sign on the same date that you sign (and date) the Declaration, and (c) a Power of Attorney or Authorization of Agent which you should also please sign and date.

Please review the application carefully and make sure that you agree with it's contents prior to executing the Declaration.

If there are no changes to be made, read the Declaration carefully, paying particular attention to the fact that, by signing the Declaration, you acknowledge the following:

- a) To the best of your knowledge, you are the first and true inventor of the subject matter of the patent application.
- b) You owe the highest duty of candor and good faith in your dealings with the Patent and Trademark Office, and in discharge of this duty, you must disclose to the Patent and Trademark Office any information of which you are aware that is "material to examination of this application" as defined in the attached 37 CFR Section 1.56. Such information is material when, at least in part, there is a substantial likelihood that a patent examiner would consider it important in deciding whether the subject matter of the present application is patentable.

After these steps have been taken, please sign (and date) the Declaration.



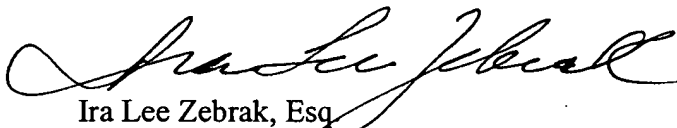
The Assignment should be signed by you and notarized at the same time that you sign and date the Declaration.

The Power of Attorney or Authorization of Agent should be signed and dated by you.

Please return the application copy with the signed Declaration, signed Assignment and signed Power of Attorney. The extra copy of the application is for your records.

On behalf of BOC Edwards, thank you once again for your submittal of the above-referenced invention record. Your interest in creating new ideas and willingness to formally document them are greatly appreciated. If you should have any questions, please feel free to telephone me.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Ira Lee Zebrak".

Ira Lee Zebrak, Esq.
Senior Counsel - Intellectual Property
Legal Services

E-mail: ira.zebrak@boc.com

Tel: (908) 771-6469

Fax: (908) 771-6159

Assistant: Ms. Betty Lee (908) 771-6481

Enclosures

Declaration (w/application attached)

37 CFR Section 1.56

Assignment

Power of Attorney or Authorization of Agent

Application

ILZ:bjl

ASSIGNMENT

WHEREAS, I/We, Thomas C. Russell and Charles M. Winterfeldt, a citizen of/ citizens of the United States of America, residing at 64 Murray Hill Blvd., Murray Hill, New Jersey 07974 and 10195 Bell Avenue, Plato, Minnesota 55370, have invented certain new and useful improvements in METHOD AND APPARATUS FOR SELF-CONFIGURING SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM FOR DISTRIBUTED CONTROL for which I/We have made application for Letters Patent of the United States, which application may be identified in the United States Patent and Trademark Office as Serial No. 10/601,687, filed June 23, 2003; and,

WHEREAS, The BOC Group, Inc., a Delaware Corporation having a place of business at 575 Mountain Avenue, Murray Hill, New Providence, New Jersey 07974, is desirous of obtaining the entire right, title and interest in, to and under the said improvements and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me/us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I/WE, the said Thomas C. Russell and Charles M. Winterfeldt have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said **The BOC Group, Inc.**, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the invention, the said improvements, and the said application, all applications derived therefrom and all continuing prosecution applications, conversions, divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent or Inventor's Certificates which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent or Inventor's Certificates which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I/We hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said **The BOC Group, Inc.**, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

I/WE HEREBY covenant that I/We have full right to convey the entire interest herein assigned, and that I/WE have not executed, and will not execute, any agreement in conflict herewith.

AND I/WE HEREBY further covenant and agree that I/We will communicate to the said **The BOC Group, Inc.**, its successors, legal representatives and assigns, any facts known to me/us respecting said invention and said improvements, and testify in

any legal proceeding, sign all lawful papers, execute all continuing prosecution, divisional, continuing, reexamination and reissue applications, make all rightful oaths, and generally do everything possible to aid the said **The BOC Group, Inc.**, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said inventions and improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this _____ day of _____, 2003.

Thomas C. Russell L.S.

State of New Jersey
County of Union ss.:

On this _____ day of _____, 2003, before me, a Notary Public in the State and County aforesaid, personally appeared **Thomas C. Russell**, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Notary Public

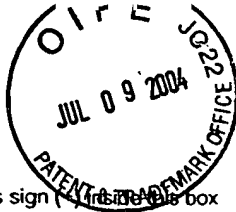
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this _____ day of _____, 2003.

Charles M. Winterfeldt L.S.

State of _____
County of _____ ss.:

On this _____ day of _____, 2003, before me, a Notary Public in the State and County aforesaid, personally appeared **Charles M. Winterfeldt**, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Notary Public



Please type a plus sign (+) in the box → ☐

PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	10/601,687
Filing Date	June 23, 2003
First Named Inventor	RUSSELL et al.
Title	Method and Apparatus For Self-Configuring ...
Group Art Unit	
Examiner Name	
Attorney Docket Number	M02A442

I hereby appoint:

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Name	Registration Number
Joshua L. Cohen	34,307
Philip H. Von Neida	34,942
Ira Lee Zebrak	31,147

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

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<input checked="" type="checkbox"/> Firm or Individual Name	The BOC Group, Inc.				
Address	Legal Services				
Address	100 Mountain Avenue				
City	Murray Hill	State	New Jersey	Zip	07974
Country	US				
Telephone	(908) 771- 6469	Fax	(908) 771-6159		

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name	Thomas C. Russell
Signature	
Date	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

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POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	10/601,687
Filing Date	June 23, 2003
First Named Inventor	RUSSELL et al.
Title	Method and Apparatus For Self-Configuring ...
Group Art Unit	
Examiner Name	
Attorney Docket Number	M02A442

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Country	US				
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Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name	Charles M. Winterfeldt
Signature	
Date	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Atty. Dkt. M02A442

PTO/SB/01A (06-03)

Approved for use through 07/31/2003. OMB 0651-0032

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention Method and Apparatus for Self-Configuring Supervisory Control and Data Acquisition (SCADA) System for Distributed Control

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/601,687, filed on June 23, 2003,
- ☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Thomas C. Russell

Signature: _____ Citizen of: USA

Inventor two: Charles M. Winterfeldt

Signature: _____ Citizen of: USA

Inventor three: _____

Signature: _____ Citizen of: _____

Inventor four: _____

Signature: _____ Citizen of: _____

☐ Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

§ 1.56 DUTY TO DISCLOSE INFORMATION MATERIAL TO PATENTABILITY. (Added 3/16/92)

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine: (Added 3/16/92)

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and (Added 3/16/92)
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office. (Added 3/16/92)
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (Added 3/16/92)

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (Added 3/16/92)
- (2) It refutes, or is inconsistent with, a position the applicant takes in: (Added 3/16/92)
 - (i) Opposing an argument of unpatentability relied on by the Office, or (Added 3/16/92)
 - (ii) Asserting an argument of patentability. (Added 3/16/92)

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability. (Added 3/16/92)
- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are: (Added 3/16/92)
 - (1) Each inventor named in the application; (Added 3/16/92)
 - (2) Each attorney or agent who prepares or prosecutes the application; and (Added 3/16/92)
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. (Added 3/16/92)
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor. (Added 3/16/92)
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application. (Added 11/7/00)

§ 1.56 DUTY TO DISCLOSE INFORMATION MATERIAL TO PATENTABILITY. (Added 3/16/92)

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine: (Added 3/16/92)

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and (Added 3/16/92)
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office. (Added 3/16/92)
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (Added 3/16/92)

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (Added 3/16/92)
 - (2) It refutes, or is inconsistent with, a position the applicant takes in: (Added 3/16/92)
 - (i) Opposing an argument of unpatentability relied on by the Office, or (Added 3/16/92)
 - (ii) Asserting an argument of patentability. (Added 3/16/92)
- A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability. (Added 3/16/92)

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are: (Added 3/16/92)

- (1) Each inventor named in the application; (Added 3/16/92)
- (2) Each attorney or agent who prepares or prosecutes the application; and (Added 3/16/92)
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. (Added 3/16/92)

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor. (Added 3/16/92)

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application. (Added 11/7/00)

Detached from Declaration
by Tom Russell